

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROLANDO JESSE DAZA-CORTEZ,

Defendant-Petitioner,

v.

UNITED STATES OF AMERICA,

Plaintiff-Respondent.

NO. C18-1608RAJ
(CR15-269RAJ)

UNITED STATES' ANSWER TO
AMENDED PETITION FILED
UNDER 28 U.S.C. § 2255
("PETITIONER'S RESPONSE TO
GOVERNMENT'S RESPONSE")

Exhibit 11

Email between Prior Counsel Emily Gause and Florinda Cortez

February 6, 2017

Emily Gause

From: Florinda Cortez <florindacortez9@gmail.com>
Sent: Monday, February 6, 2017 7:40 AM
To: Emily Gause
Subject: Re: Roland's Offer

Hello Emily

My mom said that she spoke to my uncle and that he wants to know why the still have the money laundering case for the Cadillac if the forensic accountant charged a lot of money to proof there was no money laundering.

On Friday, February 3, 2017, <emily@emilygauselaw.com> wrote:

Florinda,

Roland is being offered a deal where he would plead guilty to Conspiracy to distribute controlled substances (Count 1) but to lesser amount of drugs that only results in a 5 year mandatory minimum (rather than the 10 year mandatory minimum as charged). The offer also requires that he admit to money laundering, but only to the Cadillac Escalade. He would be required to forfeiture the money in the Union bank accounts (\$65,000 ish), the Escalade, and the \$71,973 that the government has been collecting from Avocados checks while this case has been pending.

The government would agree to dismiss *all remaining counts*, including all of the other money laundering counts, the guns counts that both carry a 5-year mandatory minimum, and will not require that he plead to the guns/drugs found in the Scion.

The government would also agree to return Roland's interest in Avocados and not make him pay the \$357,000+ that they claim he put into Avocado's restaurant. After the plea agreement is entered, the Avocado's checks would start coming back to you – since you are collecting on Roland's behalf. The Government estimates this amount to be \$4,000 + per month.

The government's final offer is to allow us to recommend 84 months (7 years) and the Government will recommend no more than 102 months (8.5 years).

If Roland got the 7 year sentence that I will be advocating for, he would be getting out of prison in roughly 33.5 months (under 3 years).

If Roland got the 8.5 years that the government can ask for, he would be getting out of prison in roughly 49 months (4 years).

To get these numbers, I subtracted 20 months for credit for time served (the time that Roland will have spent at the FDC from his arrest until his sentencing), subtract 15% good time credit that he will receive off his prison sentence, and subtract 12 months for completion of the RDAP program in prison. Further, he will likely get out of prison about 6 months early to go to a half-way house before transitioning to the community.

This is not the range of time that I wanted. I strongly advocated for a range of 5-7 years. However, I do not believe the offer is going to get better. We do have good motions and trial issues that Roland can choose to pursue and litigate. We can keep fighting. However, Roland must know that he is looking at a range of 15-25 years if he loses at trial, and will almost certainly be convicted of ***a 10 year mandatory minimum*** due to the quantity of drugs they can tie Roland to for an August 2014 stop and controlled buys. So best case scenario at trial is 10 years. Worst case is 15-25 (although probably more like 15-18 years given the way our judges sentence people in this district). Therefore, a deal where Roland could get 7 years and "worst case scenario" would get 8.5 years is not that bad.

The proposed plea agreement is attached. This is the latest and final plea agreement.

I look forward to hearing from you after you meet with Roland, and I also look forward to speaking to him about all of this on Monday morning when I see him.

Thank you,

Emily M. Gause
Attorney at Law
Gause Law Offices, PLLC

1001 Fourth Avenue, Suite 4400

Seattle, WA 98154
Phone: 206-660-8775

Fax: 206-389-1708

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